IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

INCOME TAX APPEAL NO.305 OF 2003

M/s. Lotus Learning Pvt.Ltd. .. Appellant

v/s.

The Commissioner of Income Tax,
Mumbai City IX, Mumbai. .. Respondent

Mr.K.B.Bhujale i/by M/s.P.V.Pikale & Co. for appellant.

Mr.R.V.Desai, senior counsel with Ms.S.V.Bharucha i/by Mr.P.Kapur for respondent.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 14th October, 2004

P.C.

Heard Mr.K.B.Bhujale, the learned counsel for the appellant and perused the judgement of the Supreme Court in the case of Bharat Earth Movers v. Commissioner of Income-Tax, 245 ITR 428.

2. The Tribunal in the impugned order observed thus-

> "7. We have considered the rival submissions and perused the facts on record. After taking into consideration, the facts and circumstances of the case, we hold that the liability of Rs.7,55,150/- was a liability in future year and not a liability in the present year. It was provided for a conference to be held in the next year, an event which may take place or may not take place. Accordingly, we hold that the learned CIT (Appeals) is not justified in deleting the impugned addition. We accordingly reverse his order and restore that of the Assessing Officer?

3. The consideration of the matter by the Tribunal is on facts and does not suffer from any legal infirmity. The judgment of the Supreme Court cited supra has no relevance.

4. No substantial question of law arises.

Dismissed.

(R.M.LODHA, J.)

(J.P.DEVADHAR, J.)